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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION : Administrative Action  
OR REVOCATION OF THE LICENSE OF :  
MARC BARRY GELBER, D.M.D. : FINAL DECISION AND  
License No. DI08895 : ORDER AFTER POD HEARING  
TO PRACTICE DENTISTRY IN THE :  
STATE OF NEW JERSEY :

CERTIFIED TRUE COPY

This matter was opened to the New Jersey State Board of Dentistry (hereinafter, "Board") upon the filing of a Provisional Order of Discipline against Respondent, Dr. Marc Gelber, D.M.D. (hereinafter, "Respondent").

FINDINGS OF FACT

On May 13, 1996, a Uniform Penalty Letter (hereinafter, "UPL") was issued to Respondent by the Board for Respondent's failure to complete forty (40) credit hours of continuing dental education for the period of November 1, 1993 to October 31, 1995 as required for the biennial licensee renewal pursuant to N.J.S.A. 45:6-10.1 and N.J.A.C. 13:30-8.18. Dr. Gelber responded to the UPL on May 23, 1996. In June 1996, the Board sustained the penalty and requested Respondent to provide proof of completion of all continuing education requirements to date. Respondent failed to comply. In July, 1996, Respondent paid the \$500.00 penalty as set forth in the UPL but failed to include the necessary proof of compliance. In

January 1997, the Board again requested proof of compliance, which was subsequently sent to the Board by facsimile and the 1995 renewal credits were accepted.

In July 1998, another UPL was issued to respondent for failing to list sufficient proofs of his continuing education requirements on his application for his 1995-1997 license renewal.

On September 6, 2000, a Provisional Order of Discipline which contemplated suspending respondent's license to practice dentistry in the State of New Jersey for failing to submit proof of completion of the required continuing education credits was entered.

The record reflects that the Provisional Order of Discipline was served upon respondent who, thereafter, replied by letter dated September 28, 2000. The Deputy Attorney General filed a response to respondent's submission by letter dated November 14, 2000.

The Board reviewed the Provisional Order of Discipline and the submissions of both the respondent and the Deputy Attorney General. The Board determined that a hearing was necessary. The hearing was held on July 11, 2001.

Deputy Attorney General, Nancy Costillo Miller, presented the matter on behalf of the State. Respondent was represented by Pamela Mandel, Esq. The following stipulations were set forth:

- 1) Dr. Gelber provided satisfactory proof of twenty (20) credit hours of continuing education courses for the 1997-1999 biennial license renewal period.

2) Dr. Gelber provided satisfactory proof of thirty-three (33) credit hours of continuing education courses for the 1999-2001 biennial license renewal period.

The following documents were introduced: proof of fifty (50) continuing education credits. Testimony was provided by Marc Barry Gelber, M.D.

The Board considered the evidence and made the following findings: Respondent had taken fifty-three (53) hours of the required eighty (80) hours resulting in a deficient of twenty-seven (27) credit hours for the 1997 and 1999 biennial license renewal periods in violation of N.J.S.A. 45:6-10.1, N.J.S.A. 45:6-10.8, N.J.S.A. 45:1-21(h) and N.J.A.C. 13:30-8.18. Respondent has submitted proof of completion of fifty (50) hours of continuing education of which the Board will apply twenty-seven (27) hours toward the deficient. Respondent has thereafter provided proof of twenty-three (23) hours of the forty (40) hours needed to renew his license for the 2001-2003 renewal period.

Respondent's failure to complete the required credit hours constitutes a subsequent offense pursuant to N.J.S.A. 45:1-25, and constitutes supporting disciplinary action pursuant to N.J.S.A. 45:1-21(e).

Based on the foregoing

IT IS on this 30<sup>th</sup> day of October, 2001

ORDERED that:

1. The Board shall accept respondent's fifty (50) continuing education credits that were submitted for the Board's consideration and shall credit these courses toward any outstanding credit hours for the 1997 and 1999 renewal periods. Respondent's license shall be suspended effective November 1, 2001, if he fails to submit proof of the continuing education required for 2001-2001 renewal, i.e. seventeen (17) credit hours, on or before October 31, 2001, and it shall remain suspended until he provides proof of completion and complies with the terms of Order.

2. Respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22, in the amount of \$2,500.00 for failing to complete the required continuing education credits in a timely fashion for the 1997 and 1999 biennial renewals. Payment of the civil penalties of \$2,500.00 shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Kevin Earle, Executive Director, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

3. Respondent is hereby assessed the costs of the investigation to the State in this matter in the amount of \$295.00. Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board no later than thirty (30) days from the entry of this

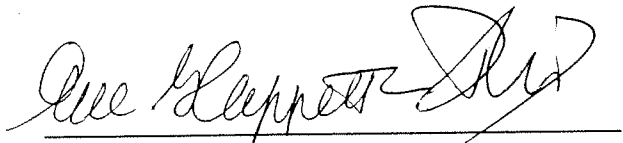
Final Order. Payment shall be sent to Kevin Earle, Executive Director at the address described in paragraph 2.

4. Failure to remit any payment as required by this Order will result in the filing of a Certificate of Debt.

5. Respondent shall undergo continuing education audits for the next three renewal periods. Proof, satisfactory to the Board, shall be submitted within ten (10) days of the renewal or respondent's license shall be subject to suspension on short notice in addition to any other penalty imposed by the Board. Costs associated with the audits are to be borne by respondent.

6. Failure to comply with any of the terms of this consent order may result in further disciplinary action.

NEW JERSEY STATE BOARD OF DENTISTRY

By:   
Emil Cappetta, D.M.D.  
Board President